



Patent Application
Attorney Docket No.: 57983.000017
Client Reference No.: 12753ROUS02U

on
17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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In re Application of:
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R. Bruce Wallace et al.
: Group Art Unit: 2155
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Appln. No.: 09/713,292
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: Examiner: B.R. Bruckart
Filed: November 16, 2000
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:
For: SYSTEM AND METHOD FOR
:
REGULATING WEB SITE ACCESS
:

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Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Submitted herewith is an Appeal Brief (in triplicate) for the above-identified patent application.

[] No additional fee is required.

[X] Also attached: A check in the amount of \$500.00, and Return Receipt Postcard.

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	PRESENT # OF CLAIMS	HIGHEST # PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	44	44	0	x \$50 =	\$.00
Independent Claims	4	4	0	x \$200 =	\$.00
Multiple Dependent Claims Fee					\$.00
Appeal Brief Filing Fee					\$500.00
Subtotal					\$500.00
Subtract ½ if Small Entity					\$.00
TOTAL FEE DUE					\$500.00

[] Please charge Deposit Account No. 50-0206 in the amount of \$.00 for the above-indicated fees. A duplicate copy of this transmittal is submitted herewith.

[X] The Commissioner is hereby authorized to charge any shortage in fees under 37 CFR 1.16 and 1.17 associated with the filing of this communication, or credit any overpayment, to Deposit Account No. 50-0206. This authorization does not include any issue fees under 37 CFR 1.18. A duplicate copy of this transmittal is submitted herewith.

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Respectfully submitted,

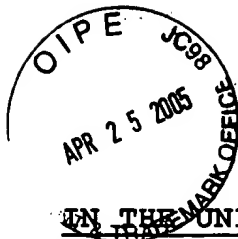
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Date: April 25, 2005



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APPEAL BRIEF

Sir:

This Appeal Brief is submitted in support of the Notice of
Appeal filed February 23, 2005.

REAL PARTY IN INTEREST

The Appellants, R. Bruce Wallace and Bruce L. Townsend are
the Applicants in the above-identified patent application. The
Appellants have assigned their entire interest in the above-
identified patent application to Nortel Networks Limited, 2351
Boulevard Alfred-Nobel, St. Laurent, Quebec H4S 2A9.

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RELATED APPEALS AND INTERFERENCES

The Appellants, the Appellants' legal representative, and the Assignee are not aware of any other appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

STATUS OF CLAIMS

Claims 1-44 are pending in the above-identified patent application. Claims 1-44 were finally rejected in an Office Action dated September 14, 2004. The final rejection of claims 1-44 is hereby appealed.

STATUS OF AMENDMENTS

The claim amendments that were filed on November 3, 2004, in response to the Final Office Action dated September 14, 2004, have been entered.

SUMMARY OF CLAIMED INVENTION

The claimed invention, as set forth in claim 1, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, is directed to an internet customer access system (e.g., see Figure 1; page 9, line 6, to page 13, line 90). The system may comprise a

redirect receiving unit for receiving a redirected customer web site access request from a network server and generating a request for a capacity determination for the web site (e.g., see Figure 2; page 13, lines 14-17). The system may also comprise a capacity determination unit for determining if the web site has capacity to handle an additional customer (e.g., see Figure 2; page 13, line 17, to page 14, line 4). The system may further comprise a notification unit for notifying the customer if the web site currently has insufficient capacity (e.g., see Figure 2; page 14, lines 4-6). The system may still further comprise a redirect unit for redirecting the customer to the web site if sufficient capacity is found (e.g., see Figure 2; page 13, lines 17-21).

The claimed invention, as set forth in claim 2, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the notification unit comprising a scheduling processor for scheduling access of the customer to the web site (e.g., see Figure 2; page 14, lines 8-11).

The claimed invention, as set forth in claim 3, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the system further comprising a customer

identification unit for determining whether a customer has scheduled access to a web site (e.g., see Figure 2; page 14, lines 12-15).

The claimed invention, as set forth in claim 4, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the scheduling processor comprising means for attaching a tag to a customer system (e.g., see Figures 5 and 6; page 18, lines 1-3; page 19, lines 3-5).

The claimed invention, as set forth in claim 5, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the tag comprising an encrypted cookie (e.g., see Figure 10; page 12, lines 15-16; page 21, lines 6-8).

The claimed invention, as set forth in claim 6, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the customer identification unit comprising means for detecting the tag attached to the customer system and means for removing the tag from the customer system (e.g., see Figures 4; page 16, line 20, to page 17, line 3).

The claimed invention, as set forth in claim 7, and as described and shown in the specification and Figures 1-10 of the

above-identified patent application, respectively, may be further defined by the notification unit comprising an update processor for informing a customer access system already possessing a tag of current accessibility status (e.g., see Figure 5; page 17, line 8, to page 18, line 16).

The claimed invention, as set forth in claim 8, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the scheduling processor comprising means for providing appointment slots (e.g., see Figure 6; page 18, line 17, to page 19, line 16).

The claimed invention, as set forth in claim 9, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the scheduling processor comprising means for providing the customer with a position in a queue and means for providing an estimated service time (e.g., see Figure 5; page 17, lines 16-21).

The claimed invention, as set forth in claim 10, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the notification unit comprising means for

providing a customer with an updated place in the queue (e.g., see Figure 7; page 18, lines 9-16).

The claimed invention, as set forth in claim 11, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the notification unit comprising means for notifying a customer that the site is full (e.g., see Figure 10; page 21, lines 1-4).

The claimed invention, as set forth in claim 12, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the notification unit comprising means for notifying a customer that replay options are available (e.g., see Figure 10; page 21, lines 4-8).

The claimed invention, as set forth in claim 13, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, is directed to an internet customer access system (e.g., see Figure 1; page 9, line 6, to page 13, line 9). The system may comprise a redirect receiving unit for receiving a redirected customer web site access request from a network server and generating a request for a capacity determination for the web site (e.g., see Figure 2; page 13, lines 14-17). The system may also comprise a

capacity determination unit for determining if the web site has the capacity to handle an additional customer (e.g., see Figure 2; page 13, line 17, to page 14, line 4). The system may further comprise a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists (e.g., see Figure 2; page 14, lines 4-9). The system may still further comprise a customer identification unit for determining whether the customer has scheduled access to the web site (e.g., see Figure 2; page 14, lines 12-15).

The claimed invention, as set forth in claim 14, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the scheduling processor comprising means for attaching a tag to a customer system (e.g., see Figures 5 and 6; page 18, lines 1-3; page 19, lines 3-5).

The claimed invention, as set forth in claim 15, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the tag being an encrypted cookie (e.g., see Figure 10; page 12, lines 15-16; page 21, lines 6-8).

The claimed invention, as set forth in claim 16, and as described and shown in the specification and Figures 1-10 of the

above-identified patent application, respectively, may be further defined by the customer identification unit comprising means for detecting the encrypted cookie attached to the customer system and means for removing the encrypted cookie from the customer system (e.g., see Figure 4; page 16, line 20, to page 21, line 3).

The claimed invention, as set forth in claim 17, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the system further comprising a notification unit having an update processor for informing a customer access system already possessing a tag of current accessibility status (e.g., see Figure 5; page 17, line 8, to page 18, line 16).

The claimed invention, as set forth in claim 18, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the scheduling processor comprising means for providing appointment slots (e.g., see Figure 6; page 18, lines 18-20).

The claimed invention, as set forth in claim 19, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the scheduling processor comprising means for

providing the customer with a position in a queue and means for providing an estimated service time (e.g., see Figure 7; page 18, lines 9-14).

The claimed invention, as set forth in claim 20, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the system further comprising a notification unit having means for notifying a customer that the site is full (e.g., see Figure 10; page 21, lines 1-4).

The claimed invention, as set forth in claim 21, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, is directed to a method for regulating access to a web site (e.g., see Figure 3; page 14, line 16, to page 16, line 18). The method may comprise receiving a redirected customer web site access request from a network server (e.g., see Figure 3; page 14, line 20, to page 15, line 1). The method may also comprise determining whether the web site has sufficient capacity to accommodate an additional customer (e.g., see Figure 3; page 15, lines 1-3). The method may further comprise redirecting the customer to the web site if sufficient capacity is found (e.g., see Figure 3; page 15, lines 9-11). The method may still further comprise notifying the customer if insufficient capacity

is found (e.g., see Figure 3; page 15, line 13, to page 16, line 3).

The claimed invention, as set forth in claim 22, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising notifying the customer that replay options are available (e.g., see Figure 10; page 21, lines 4-6).

The claimed invention, as set forth in claim 23, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising determining whether the customer has a tag (e.g., see Figures 3 and 4; page 15, lines 13-15; page 16, line 20, to page 17, line 1).

The claimed invention, as set forth in claim 24, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising determining whether the tag is valid (e.g., see Figure 3; page 15, lines 13-15).

The claimed invention, as set forth in claim 25, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be

further defined by the method further comprising redirecting the customer to the web site if the tag is valid (e.g., see Figures 3 and 4; page 15, lines 19-21; page 17, lines 5-7).

The claimed invention, as set forth in claim 26, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising determining if the tag is expired (e.g., see Figure 3; page 16, lines 6-8).

The claimed invention, as set forth in claim 27, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising performing scheduling operations if the tag is expired and providing the customer with an updated status if the tag is not expired (e.g., see Figure 3; page 16, lines 8-14).

The claimed invention, as set forth in claim 28, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the step of redirecting the customer to the web site comprising the steps of determining if the customer has a tag and removing the tag if present (e.g., see Figure 4; page 16, line 20, to page 17, line 3).

The claimed invention, as set forth in claim 29, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising scheduling customer access if insufficient capacity is found (e.g., see Figures 3, 5, and 6; page 15, line 13, to page 16, line 3; page 17, line 8, to page 19, line 16).

The claimed invention, as set forth in claim 30, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the step of scheduling comprising providing the customer with a position in a queue (e.g., see Figure 5; page 17, lines 16-18).

The claimed invention, as set forth in claim 31, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the step of scheduling comprising providing the customer with an appointment (e.g., see Figure 6; page 18, lines 18-20).

The claimed invention, as set forth in claim 32, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the step of scheduling comprising leaving a

tag on a customer system and providing the customer with a finite time for which the tag is valid (e.g., see Figure 5; page 18, lines 3-6).

The claimed invention, as set forth in claim 33, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising determining whether a visitor has previously scheduled access to the web site (e.g., see Figure 3; page 15, lines 13-15).

The claimed invention, as set forth in claim 34, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising providing a customer with updated position information (e.g., see Figure 7; page 18, lines 7-16).

The claimed invention, as set forth in claim 35, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising offering a cancellation and rescheduling option upon providing updated position information (e.g., see Figure 8; page 19, lines 13-14).

The claimed invention, as set forth in claim 36, and as described and shown in the specification and Figures 1-10 of the

above-identified patent application, respectively, is directed to a method for regulating access to a web site (e.g., see Figure 3; page 14, line 16, to page 16, line 18). The method may comprise receiving a redirected customer web site access request from a network server (e.g., see Figure 3; page 14, line 20, to page 15, line 1). The method may also comprise determining if the web site has sufficient capacity to handle an additional customer (e.g., see Figure 3; page 15, lines 1-3). The method may further comprise scheduling access of the customer to the web site if insufficient capacity is found (e.g., see Figure 3; page 15, line 13, to page 16, line 3). The method may still further comprise determining whether a customer has previously scheduled access to the web site (e.g., see Figure 3; page 15, lines 13-15).

The claimed invention, as set forth in claim 37, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the step of scheduling access comprising scheduling an appointment for the customer (e.g., see Figure 6; page 18, lines 18-20).

The claimed invention, as set forth in claim 38, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be

further defined by the step of scheduling access comprising assigning the customer a position in a queue (e.g., see Figure 5; page 17, lines 16-18).

The claimed invention, as set forth in claim 39, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the step of scheduling access comprising providing the customer with a tag (e.g., see Figures 5 and 6; page 18, lines 1-3; page 19, lines 3-5).

The claimed invention, as set forth in claim 40, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising redirecting the customer to the web site if sufficient capacity is found (e.g., see Figure 9; page 20, lines 18-20).

The claimed invention, as set forth in claim 41, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the step of determining whether a customer has previously scheduled access to the web site comprising determining whether a customer has a tag (e.g., see Figures 3 and 4; page 15, lines 13-15; page 16, line 20, to page 17, line 1).

The claimed invention, as set forth in claim 42, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising redirecting the customer to the web site if the tag is valid (e.g., see Figures 3 and 4; page 15, lines 19-21; page 17, lines 5-7).

The claimed invention, as set forth in claim 43, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising performing scheduling operations if the tag is expired (e.g., see Figure 3; page 16, lines 8-11).

The claimed invention, as set forth in claim 44, and as described and shown in the specification and Figures 1-10 of the above-identified patent application, respectively, may be further defined by the method further comprising performing update processing if the tag is not yet valid and is not yet expired (e.g., see Figure 3; page 16, lines 11-14).

ISSUES ON APPEAL

Whether claim 1 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

Whether claims 2, 3, 11, and 12 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Whether claims 4-8 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Whether claims 9 and 10 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Whether claim 13 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Whether claim 20 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

Whether claims 14 and 18 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No.

6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Whether claims 15-17 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) in further view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

Whether claim 19 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Whether claim 21 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

Whether claims 23-26 and 28 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Whether claim 27 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Colby et al. (U.S. Patent No. 6,625,643) in

further view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Whether claims 22, 29, and 33 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Whether claims 30, 31, 34, and 35 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Whether claim 32 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Whether claims 36, 37, and 40 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Whether claim 38 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Whether claim 39 and 41-44 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

ARGUMENT

The Appellants respectfully appeal the decision of the Examiner to finally reject claims 1-44 of the present application. As discussed below, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness against the appealed claims.

I. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIM 1

The Examiner asserts that claim 1 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or

references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Also, as stated in MPEP § 2143.01, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Further, as stated in MPEP § 2143.01, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). That is, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970). Additionally, as stated in

MPEP § 2141.02, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Finally, if an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Regarding claim 1, the Examiner asserts that Hu teaches the claimed invention, except for a notification unit which is taught by Ellis. The Examiner goes on to assert that it would have been obvious to one of ordinary skill in the art to combine the teachings of Ellis with the teachings of Hu so as to arrive at the claimed invention. The Applicants respectfully disagree.

Specifically, the Examiner asserts that Hu teaches a redirect receiving unit for receiving a redirected customer web site access request from a network server (see column 6, lines 10-22) and generating a request for a capacity determination for the web site (see column 9, lines 7-46). It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually receives a redirected customer web site access request from a network server, as claimed. That is, Hu teaches that a client request

is handled by a network request manager 102 (see column 6, lines 10-22), but Hu does not teach that this client request is redirected prior to being received by the network request manager 102, as claimed. Hu only mentions that the network request manager 102 may respond to the client request with redirection information (see column 6, lines 10-22). This is clearly different than receiving a redirected customer web site access request from a network server, as claimed.

It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually generates a request for a capacity determination for the web site, as claimed. That is, Hu teaches that a policy module 206 retrieves a dynamic metric for a group of content servers 106 (see column 9, lines 7-46), but Hu does not teach that this policy module 206 generates a request for a capacity determination for a customer-specified web site, as claimed. Rather, Hu teaches retrieving a dynamic metric for the group of content servers 106 so that at least one of the content servers in the group may service a client request (see column 9, lines 7-46). In contrast, the present invention, as claimed, does not allow a customer-specified web site to be accessed if the customer-specified web site does not have capacity to handle an additional customer. Thus, the operation of the present

invention, as claimed, is clearly different from the operation of the system disclosed by Hu.

The Examiner also asserts that Hu teaches a capacity determination unit for determining if the web site has capacity to handle an additional customer (see column 9, lines 7-46). It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually determines if the web site has capacity to handle an additional customer, as claimed. That is, as discussed above, Hu teaches that a policy module 206 retrieves a dynamic metric for a group of content servers 106 (see column 9, lines 7-46), but Hu does not teach that this policy module 206 determines if a customer-specified web site has capacity to handle an additional customer, as claimed. Rather, Hu teaches retrieving a dynamic metric for the group of content servers 106 so that at least one of the content servers in the group may service a client request (see column 9, lines 7-46). In contrast, the present invention, as claimed, does not allow a customer-specified web site to be accessed if the customer-specified web site does not have capacity to handle an additional customer. Thus, the operation of the present invention, as claimed, is clearly different from the operation of the system disclosed by Hu.

The Examiner also asserts that Hu teaches a redirect unit for redirecting the customer to the web site if sufficient capacity is found (column 11, lines 17-27). It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Hu actually redirects the customer to the web site if sufficient capacity is found, as claimed. That is, Hu teaches that a connection module 208 selects a redirect mode of operation where a network request manager 102 selects one of a group of content servers 106 based merely upon a client content request and then provides information about the selected content server 106 to a client 104 so that the client may resend the client request directly to the selected content server 106 (column 11, lines 17-27). However, Hu does not teach that this network request manager 102 redirects a customer to a customer-specified web site if the customer-specified web site is found to have sufficient capacity, as claimed. Rather, Hu teaches selecting one of a group of content servers 106 based merely upon a client content request and then providing information about the selected content server 106 to a client 104 so that the client may resend the client request directly to the selected content server 106 (column 11, lines 17-27). In contrast, the present invention, as claimed, does not allow a customer-specified web site to be

accessed if the customer-specified web site does not have capacity to handle an additional customer. Thus, the operation of the present invention, as claimed, is clearly different from the operation of the system disclosed by Hu.

The Examiner further asserts that Ellis teaches a notification unit for notifying the customer if the web site currently has insufficient capacity (column 7, lines 17-44). It is respectfully submitted that the Examiner has failed to indicate what, if any, part of the system disclosed by Ellis actually notifies the customer if the web site currently has insufficient capacity, as claimed. That is, Ellis teaches the handling of communication sessions by partitioning the sessions for handling by multiple agents if a main server cannot handle the session alone. Specifically, at column 7, lines 17-44, Ellis teaches:

First the Main Server starts up, wherein a registry is created and initialized and the server begins execution 402. The Agent Server(s) register themselves 405 with the Main Server and define session key(s) with which to establish secure communications. The Main Server and Agent Servers become enabled to receive secure connections from Clients 410 and 415. The Client(s) connects to the Main Server and authenticates using one of several servers known authentication methods 420. The Main Server determines if it can accept a new session based on its current available processor bandwidth. If the Main Server can accept a new session based on available processor resources, then it agrees on a secret session key with the Client(s) and

begins the session(s). If the Main Server has insufficient resources to service the session 425, then it will instruct an Agent Server(s) to become unblocked [wake up] and participate in a multiparty key exchange between a Client, Main Server and Agent Server. If the Agent Server has insufficient resources it will notify the server that it cannot accept a new client session or maintain an existing one. If none of the Agent Servers can accept a new client connection then the server can handle the additional load or deny the connection based on configuration settings. If the Agent Server loses resources it will request that the Main Server pass the client connection to a new Agent which the Main Server will attempt to do. If the Main Server cannot pass the connection it will either attempt to handle the load itself or notify the client and close the connection.

Clearly, nowhere in this passage (nor anywhere else in the specification of Ellis) does Ellis make mention of a notification unit for notifying a customer if a customer-specified web site currently has insufficient capacity. Indeed, Ellis does not even mention the terms "web site" or "customer" anywhere within its specification. Accordingly, Ellis fails to teach a notification unit for notifying a customer if customer-specified web site currently has insufficient capacity, as claimed.

At this point it should be noted that there would be no reason, suggestion, or motivation to combine Hu and Ellis since Hu teaches network connection request distribution while Ellis

teaches maintaining existing simultaneous cryptographic sessions.

In view of the foregoing, it is respectfully submitted that Hu and Ellis, either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 1. Accordingly, it is respectfully submitted that claim 1 of the present application is not unpatentable over Hu in view of Ellis, and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 1 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claim 1 be withdrawn.

II. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIMS 2, 3, 11, AND 12

The Examiner asserts that claims 2, 3, 11, and 12 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Claims 2, 3, 11, and 12, are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2, 3, 11, and 12 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited

references taken either alone or in combination. For example, claim 3 recites a customer identification unit for determining whether a customer has scheduled access to a web site. The Examiner asserts that Ellis teaches this feature at column 6, lines 39-43, by stating that "upon initialization the client contacts the gateway server and authenticates using RADIUS, TACACS+, a pre-shared password or X.509 certificate. Once the client is authenticated, it negotiates the session key with the gateway server." Clearly, this passage of Ellis does not teach, or even suggest, the claimed feature as Ellis does not even mention the term "web site" let alone identifying a customer to determine if the customer has scheduled access to the web site.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 2, 3, 11, and 12. Accordingly, it is respectfully submitted that claims 2, 3, 11, and 12 of the present application are not unpatentable over Hu in view of Ellis in further view of Chang et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 2, 3, 11, and 12 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 2, 3, 11, and 12 be withdrawn.

III. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF
OBVIOUSNESS AGAINST CLAIMS 4-8

The Examiner asserts that claims 4-8 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Claims 4-8 are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 4-8 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, Chang et al., and Colby et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 4-8. Accordingly, it is respectfully submitted that claims 4-8 of the present application are not unpatentable over Hu in view of Ellis in further view of Chang et al. in further view of Colby et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 4-8 of the present application.

Therefore, it is respectfully requested that the obviousness rejection of claims 4-8 be withdrawn.

IV. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIMS 9 AND 10

The Examiner asserts that claims 9 and 10 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Claims 9 and 10 are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 9 and 10 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, Chang et al., and Lee, either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 9 and 10. Accordingly, it is respectfully submitted that claims 9 and 10 of the present application are not unpatentable over Hu in view of Ellis in further view of Chang et al. in further view of Lee, and thus the Examiner has

failed in his duty to establish at least a prima facie case of obviousness against claims 9 and 10 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 9 and 10 be withdrawn.

V. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIM 13

The Examiner asserts that claim 13 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

For the reasons set forth above with respect to claim 1, it is respectfully submitted that Hu fails to teach the claimed redirect receiving unit and capacity determination unit.

Furthermore, it is respectfully submitted that Chang et al. fails to teach, or even suggest, the claim elements asserted by the Examiner. For instance, column 3, lines 27-31, of Chang et al. (and indeed all of Chang et al.) relate to scheduling data downloads whereby a computer system need not keep power on until the download. Specifically, at column 3, lines 27-31, Chang et al. teaches:

A method and system is disclosed for scheduling data download, such as web pages, databases or softwares, over a network such as the internet without keeping the computer system power on all the time till the upcoming data download activities.

Clearly, nowhere in this passage (nor anywhere else in the specification of Chang et al.) does Chang et al. make mention of scheduling access for a customer to a web site if the web site does not currently have the capacity to allow for such customer access. Indeed, Chang et al. does not even mention the terms "capacity" or "customer" anywhere within its specification. Furthermore, the mere mention by Chang et al. that downloads may be scheduled for times when phones rates and internet traffic are reduced in no way relates to the capacity of a web site to allow for customer access, as the Examiner suggests. Accordingly, Chang et al. fails to teach, or even suggest, a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists, as claimed.

In view of the foregoing, it is respectfully submitted that Hu and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 13. Accordingly, it is respectfully submitted that claim 13 of the present application are not unpatentable over Hu in view of Chang et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 13 of the present application. Therefore, it is

respectfully requested that the obviousness rejection of claim 13 be withdrawn.

VI. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIM 20

The Examiner asserts that claim 20 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

Claim 20 is dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as discussed above, claim 20 should also be allowable at least by virtue of its dependency on independent claim 13. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Chang et al., and Ellis, either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 20. Accordingly, it is respectfully submitted that claim 20 of the present application are not unpatentable over Hu in view of Chang et al. in further view of Ellis, and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 20 of the present application.

Therefore, it is respectfully requested that the obviousness rejection of claim 20 be withdrawn.

VII. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF
OBVIOUSNESS AGAINST CLAIMS 14 AND 18

The Examiner asserts that claims 14 and 18 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Claims 14 and 18 are dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as discussed above, claims 14 and 18 should also be allowable at least by virtue of their dependency on independent claim 13. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Chang et al., and Colby et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 14 and 18. Accordingly, it is respectfully submitted that claims 14 and 18 of the present application are not unpatentable over Hu in view of Chang et al. in further view of Colby et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against

claims 14 and 18 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 14 and 18 be withdrawn.

VIII. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIMS 15-17

The Examiner asserts that claims 15-17 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) in further view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

Claims 15-17 are dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as discussed above, claims 15-17 should also be allowable at least by virtue of their dependency on independent claim 13. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Chang et al., Colby et al., and Ellis, either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 15-17. Accordingly, it is respectfully submitted that claims 15-17 of the present application are not unpatentable over Hu in view of Chang et al. in further view of

Colby et al. in further view of Ellis, and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 15-17 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 15-17 be withdrawn.

IX. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIM 19

The Examiner asserts that claim 19 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Claim 19 is dependent upon independent claim 13. Thus, since independent claim 13 should be allowable as discussed above, claim 19 should also be allowable at least by virtue of its dependency on independent claim 13. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Chang et al., Colby et al., and Lee, either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 19. Accordingly, it is respectfully submitted

that claim 19 of the present application are not unpatentable over Hu in view of Chang et al. in further view of Colby et al. in further view of Lee, and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 19 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claim 19 be withdrawn.

X. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIM 21

The Examiner asserts that claim 21 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) under 35 U.S.C. § 103(a).

For the reasons set forth above with respect to claim 1, it is respectfully submitted that Hu and Ellis, either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 21.

At this point it should be noted that there would be no reason, suggestion, or motivation to combine Hu and Ellis since Hu teaches network connection request distribution while Ellis teaches maintaining existing simultaneous cryptographic sessions.

In view of the foregoing, it is respectfully submitted that Hu and Ellis, either alone or in combination, fail to claim,

disclose, or even suggest the elements of claim 21. Accordingly, it is respectfully submitted that claim 21 of the present application are not unpatentable over Hu in view of Ellis, and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 21 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claim 21 be withdrawn.

XI. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF
OBVIOUSNESS AGAINST CLAIMS 23-26 AND 28

The Examiner asserts that claims 23-26 and 28 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Claims 23-26 and 28 are dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claims 23-26 and 28 should also be allowable at least by virtue of their dependency on independent claim 21. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, and Colby et al., either alone or in combination,

fail to claim, disclose, or even suggest the elements of claims 23-26 and 28. Accordingly, it is respectfully submitted that claims 23-26 and 28 of the present application are not unpatentable over Hu in view of Ellis in further view of Colby et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 23-26 and 28 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 23-26 and 28 be withdrawn.

XII. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIM 27

The Examiner asserts that claim 27 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Colby et al. (U.S. Patent No. 6,625,643) in further view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Claim 27 is dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claim 27 should also be allowable at least by virtue of its dependency on independent claim 21. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, Colby et al., and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 27. Accordingly, it is respectfully submitted that claim 27 of the present application are not unpatentable over Hu in view of Ellis in further view of Colby et al. in further view of Chang et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 27 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claim 27 be withdrawn.

XIII. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIMS 22, 29, AND 33

The Examiner asserts that claims 22, 29, and 33 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

Claims 22, 29, and 33 are dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claims 22, 29, and 33 should also be allowable at least by virtue of their dependency on independent claim 21. Moreover, these claims recite additional features which are not

claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 22, 29, and 33. Accordingly, it is respectfully submitted that claims 22, 29, and 33 of the present application are not unpatentable over Hu in view of Ellis in further view of Chang et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 22, 29, and 33 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 22, 29, and 33 be withdrawn.

XIV. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIMS 30, 31, 34, AND 35

The Examiner asserts that claims 30, 31, 34, and 35 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Claims 30, 31, 34, and 35 are dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claims 30, 31, 34, and 35 should also be

allowable at least by virtue of their dependency on independent claim 21. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, Chang et al., and Lee, either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 30, 31, 34, and 35. Accordingly, it is respectfully submitted that claims 30, 31, 34, and 35 of the present application are not unpatentable over Hu in view of Ellis in further view of Chang et al. in further view of Lee, and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 30, 31, 34, and 35 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 30, 31, 34, and 35 be withdrawn.

XV. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF OBVIOUSNESS AGAINST CLAIM 32

The Examiner asserts that claim 32 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Ellis (U.S. Patent No. 6,484,257) in further view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Claim 32 is dependent upon independent claim 21. Thus, since independent claim 21 should be allowable as discussed above, claim 32 should also be allowable at least by virtue of its dependency on independent claim 21. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Ellis, Chang et al., and Colby et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 32. Accordingly, it is respectfully submitted that claim 32 of the present application are not unpatentable over Hu in view of Ellis in further view of Chang et al. in further view of Colby et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 32 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claim 32 be withdrawn.

XVI. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF
OBVIOUSNESS AGAINST CLAIMS 36, 37, AND 40

The Examiner asserts that claims 36, 37, and 40 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of

Chang et al. (U.S. Patent No. 6,134,584) under 35 U.S.C. § 103(a).

For the reasons set forth above with respect to claim 13, it is respectfully submitted that Hu and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 36.

Claims 37 and 40 are dependent upon independent claim 36. Thus, since independent claim 36 should be allowable as discussed above, claims 37 and 40 should also be allowable at least by virtue of their dependency on independent claim 36. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu and Chang et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 36, 37, and 40. Accordingly, it is respectfully submitted that claims 36, 37, and 40 of the present application are not unpatentable over Hu in view of Chang et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 36, 37, and 40 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claims 36, 37, and 40 be withdrawn.

XVII. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE OF
OBVIOUSNESS AGAINST CLAIM 38

The Examiner asserts that claim 38 is unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Lee (U.S. Patent No. 4,788,715) under 35 U.S.C. § 103(a).

Claim 38 is dependent upon independent claim 36. Thus, since independent claim 36 should be allowable as discussed above, claim 38 should also be allowable at least by virtue of its dependency on independent claim 36. Moreover, this claim recites additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Chang et al., and Lee, either alone or in combination, fail to claim, disclose, or even suggest the elements of claim 38. Accordingly, it is respectfully submitted that claim 38 of the present application are not unpatentable over Hu in view of Chang et al. in further view of Lee, and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claim 38 of the present application. Therefore, it is respectfully requested that the obviousness rejection of claim 38 be withdrawn.

XVIII. THE EXAMINER HAS FAILED TO ESTABLISH A PRIMA FACIE CASE
OF OBVIOUSNESS AGAINST CLAIMS 39 AND 41-44

The Examiner asserts that claim 39 and 41-44 are unpatentable over Hu (U.S. Patent No. 6,173,322) in view of Chang et al. (U.S. Patent No. 6,134,584) in further view of Colby et al. (U.S. Patent No. 6,625,643) under 35 U.S.C. § 103(a).

Claims 39 and 41-44 are dependent upon independent claim 36. Thus, since independent claim 36 should be allowable as discussed above, claims 39 and 41-44 should also be allowable at least by virtue of their dependency on independent claim 36. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully submitted that Hu, Chang et al., and Colby et al., either alone or in combination, fail to claim, disclose, or even suggest the elements of claims 39 and 41-44. Accordingly, it is respectfully submitted that claims 39 and 41-44 of the present application are not unpatentable over Hu in view of Chang et al. in further view of Colby et al., and thus the Examiner has failed in his duty to establish at least a prima facie case of obviousness against claims 39 and 41-44 of the present

application. Therefore, it is respectfully requested that the obviousness rejection of claims 39 and 41-44 be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the Examiner has failed to establish a prima facie case of obviousness against the appealed claims. Thus, it is respectfully submitted that the final rejection of claims 1-44 under 35 U.S.C. § 103(a) is improper and the reversal of same is clearly in order and respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made.

Patent Application
Attorney Docket No.: 57983.000017
Client Reference No.: 12753ROUS02U

A check in the amount of \$500.00 for the Appeal Brief filing is attached herewith. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: April 25, 2005

APPENDIX

1 (Previously Presented). An internet customer access system comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a network server and generating a request for a capacity determination for the web site;

a capacity determination unit for determining if the web site has capacity to handle an additional customer;

a notification unit for notifying the customer if the web site currently has insufficient capacity; and

a redirect unit for redirecting the customer to the web site if sufficient capacity is found.

2 (Original). The internet customer access system of claim 1, wherein the notification unit comprises a scheduling processor for scheduling access of the customer to the web site.

3 (Original). The internet customer access system of claim 2, further comprising a customer identification unit for determining whether a customer has scheduled access to a web site.

4 (Previously Presented). The internet customer access system of claim 3, wherein the scheduling processor comprises means for attaching a tag to a customer system.

5 (Original). The internet customer access system of Claim 4, wherein the tag comprises an encrypted cookie.

6 (Previously Presented). The internet customer access system of claim 4, wherein the customer identification unit comprises means for detecting the tag attached to the customer system and means for removing the tag from the customer system.

7 (Original). The internet customer access system of claim 3, wherein the notification unit comprises an update processor for informing a customer access system already possessing a tag of current accessibility status.

8 (Original). The internet customer access system of claim 2, wherein the scheduling processor comprises means for providing appointment slots.

9 (Original). The internet customer access system of claim 3, wherein the scheduling processor comprises means for providing

the customer with a position in a queue and means for providing an estimated service time.

10 (Original). The internet customer access system of claim 9, wherein the notification unit comprises means for providing a customer with an updated place in the queue.

11 (Original). The internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that the site is full.

12 (Original). The internet customer access system of claim 1, wherein the notification unit comprises means for notifying a customer that replay options are available.

13 (Previously Presented). An internet customer access system comprising:

a redirect receiving unit for receiving a redirected customer web site access request from a network server and generating a request for a capacity determination for the web site;

a capacity determination unit for determining if the web site has the capacity to handle an additional customer;

a scheduling processor for scheduling access of the customer to the web site if the capacity determination unit indicates that no current capacity exists; and

a customer identification unit for determining whether the customer has scheduled access to the web site.

14 (Original). The internet customer access system of claim 13, wherein the scheduling processor comprises means for attaching a tag to a customer system.

15 (Original). The internet customer access system of 14, wherein the tag is an encrypted cookie.

16 (Previously Presented). The internet customer access system of claim 15, wherein the customer identification unit comprises means for detecting the encrypted cookie attached to the customer system and means for removing the encrypted cookie from the customer system.

17 (Original). The internet customer access system of claim 14, further comprising a notification unit having an update processor for informing a customer access system already possessing a tag of current accessibility status.

18 (Original). The internet customer access system of claim 14, wherein the scheduling processor comprises means for providing appointment slots.

19 (Original). The internet customer access system of claim 14, wherein the scheduling processor comprises means for providing the customer with a position in a queue and means for providing an estimated service time.

20 (Original). The internet customer access system of claim 13, further comprising a notification unit having means for notifying a customer that the site is full.

21 (Previously Presented). A method for regulating access to a web site, the method comprising the steps of:

receiving a redirected customer web site access request from a network server;

determining whether the web site has sufficient capacity to accommodate an additional customer;

redirecting the customer to the web site if sufficient capacity is found; and

notifying the customer if insufficient capacity is found.

22 (Original). The method of claim 21, comprising notifying the customer that replay options are available.

23 (Original). The method of claim 21, further comprising determining whether the customer has a tag.

24 (Original). The method of claim 23, further comprising determining whether the tag is valid.

25 (Original). The method of claim 24, further comprising redirecting the customer to the web site if the tag is valid.

26 (Original). The method of claim 23, further comprising determining if the tag is expired.

27 (Previously Presented). The method of claim 26, further comprising performing scheduling operations if the tag is expired and providing the customer with an updated status if the tag is not expired.

28 (Original). The method of claim 21, wherein redirecting the customer to the web site comprises the steps of determining if the customer has a tag and removing the tag if present.

29 (Original). The method of claim 21, further comprising scheduling customer access if insufficient capacity is found.

30 (Original). The method of claim 29, wherein scheduling comprises providing the customer with a position in a queue.

31 (Original). The method of claim 29, wherein scheduling comprises providing the customer with an appointment.

32 (Previously Presented). The method of claim 29, wherein scheduling comprises leaving a tag on a customer system and providing the customer with a finite time for which the tag is valid.

33 (Original). The method of claim 29, further comprising determining whether a visitor has previously scheduled access to the web site.

34 (Original). The method of claim 33, further comprising providing a customer with updated position information.

35 (Original). The method of claim 33, further comprising offering a cancellation and rescheduling option upon providing updated position information.

36 (Previously Presented). A method for regulating access to a web site, the method comprising the steps of:

receiving a redirected customer web site access request from a network server;

determining if the web site has sufficient capacity to handle an additional customer;

scheduling access of the customer to the web site if insufficient capacity is found; and

determining whether a customer has previously scheduled access to the web site.

37 (Original). The method of claim 36, wherein scheduling access comprises scheduling an appointment for the customer.

38 (Original). The method of claim 36, wherein scheduling access comprises assigning the customer a position in a queue.

39 (Original). The method of claim 36, wherein scheduling access comprises providing the customer with a tag.

40 (Original). The method of claim 36, further comprising redirecting the customer to the web site if sufficient capacity is found.

41 (Original). The method of claim 36, wherein determining whether a customer has previously scheduled access to the web site comprises determining whether a customer has a tag.

42 (Original). The method of claim 41, further comprising redirecting the customer to the web site if the tag is valid.

43 (Original). The method of claim 42, further comprising performing scheduling operations if the tag is expired.

44. (Original) The method of claim 43, further comprising performing update processing if the tag is not yet valid and is not yet expired.